

PREVAILED

Roll Call No. _____

FAILED

Ayes _____

WITHDRAWN

Noes _____

RULED OUT OF ORDER

HOUSE MOTION _____

MR. SPEAKER:

I move that House Bill 1979 be amended to read as follows:

- 1 Page 4, line 19, delete "subsection (1)(b)." and insert "**section (1)(b)**
- 2 **of this chapter.**".
- 3 Page 4, line 21, delete "subsection" and insert "**section**".
- 4 Page 4, between lines 30 and 31, begin a new paragraph and insert:
- 5 "**Sec. 4. (a) When petitioning the commission under IC 8-1-8.5**
- 6 **or IC 8-1-2.5, a merchant power plant must establish proof of**
- 7 **financial responsibility by filing one (1) or a combination of the**
- 8 **following with the commission:**
- 9 (1) A fully funded trust fund agreement.
- 10 (2) A surety bond with a standby trust fund agreement.
- 11 (3) A letter of credit with a standby trust fund agreement.
- 12 (4) An insurance policy with a standby trust fund agreement.
- 13 (5) Proof that the merchant power plant meets a financial test
- 14 established by the commission and equivalent to one (1) of the
- 15 items in subdivisions (1) through (4).
- 16 (b) The amount of financial responsibility that a merchant
- 17 power plant must establish under this section shall be determined
- 18 by the commission. In all cases, the amount must be sufficient to
- 19 close the merchant power plant in a manner that:
- 20 (1) minimizes the need for further maintenance and
- 21 remediation; and
- 22 (2) provides reasonable, foreseeable, and necessary
- 23 maintenance and remediation after closure for at least twenty
- 24 (20) years after the merchant power plant ceases operations.

1 (c) The commission may use:

2 (1) a trust fund agreement;

3 (2) a surety bond;

4 (3) a letter of credit;

5 (4) an insurance policy; or

6 (5) other proof of financial responsibility;

7 filed under this section for the closure or post-closure monitoring,
8 maintenance, or remediation of a merchant power plant approved
9 by the commission, if the merchant power plant does not comply
10 with closure or post-closure standards established by the
11 commission under subsection (d).

12 (d) The commission shall adopt rules under IC 4-22-2 to
13 establish the following:

14 (1) Standards for the proper closure and post-closure
15 monitoring, maintenance, and remediation of merchant power
16 plants.

17 (2) Criteria for how money in a trust fund agreement, a surety
18 bond, a letter of credit, an insurance policy, or other proof of
19 financial responsibility provided by a merchant power plant
20 may be released to the merchant power plant when the
21 merchant power plant meets the closure and post-closure
22 standards established under subdivision (1)."

23 Page 4, line 31, delete "Sec. 4." and insert "Sec. 5.".

24 Page 4, line 40, delete "Sec. 5." and insert "Sec. 6.".

25 Page 5, line 2, after "the" delete " ".

26 Page 5, line 18, delete "IC 8-1-8.3-3(2)(C)," and insert "IC
27 8-1-8.3-3(2)(C),".

(Reference is to HB 1979 as printed February 28, 2001.)

Representative Adams T